IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5806 OF 2006

Ashokkumar Sureshkumar Mehta .. Petitioner.
Vs.
Nikhil Mahendra Kothari & Ors. .. Respondents.

Mr.J.B.Kotecha for the petitioner.
Mr.R.D.Dave i/b M/s.N.N.Vaishnawa & Co. for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 18TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent no.1.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing. Mr.Dave, learned counsel waives service for respondent no.1.

3. The order dated 6.3.2006 by which the petitioner is allowed to defend the suit on his furnishing the bank guarantee to the extent of suit claim of Nationalised Bank is under challenge in the present writ petition. Admittedly, similar order has been passed against other defendants on 26.7.2002 below Exhibit-16 in summary suit no.2 of 2001. I am informed that the other defendants have already

furnished bank guarantee as per the order dated 26.7.2002. Keeping that in view the condition imposed on the petitioner to furnish bank guarantee to the extent of suit claim stands cancelled. The trial Court shall proceed with hearing of the suit and dispose it of as expeditiously as possible and in any case within six months from the date of receipt of this order.

. With these observations Rule is disposed of.

(D.B.Bhosale, J.)